United Nations A/65/467

General Assembly

Distr.: General
11 November 2010
English
Original: Spanish

Sixty-fifth session
Agenda item 79

Report of the International Law Commission on the work of its sixty-second session

Report of the Sixth Committee

Rapporteur: Mrs. Glenna **Cabello de Daboin** (Bolivarian Republic of Venezuela)

I. Introduction

1. The item entitled "Report of the International Law Commission on the work of its sixty-second session" was included in the provisional agenda of the sixty-fifth session of the General Assembly pursuant to Assembly resolution 64/114 of 16 December 2009.

2. At its 2nd plenary meeting, on 17 September 2010, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 19th to 26th and 28th meetings, from 25 to 29 October, and on 1 and 11 November. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/65/SR.19-26 and 28).

4. For its consideration of the item, the Committee had before it the report of the International Law Commission on the work of its sixty-second session[1] and a report of the Secretary-General on assistance to special rapporteurs of the International Law Commission (A/65/186).

5. The Chair of the International Law Commission at its sixty-second session introduced the report of the Commission: chapters I to IV and XIII at the 19th meeting, on 25 October, chapter V at the 21st meeting, on 27 October, chapters VI and VII at the 22nd meeting, on 27 October, and chapters VIII, X, XI and XII at its 25th meeting, on 29 October (see A/C.6/65/SR.19, 21, 22 and 25).

[1] *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 10* (A/65/10).

10-54749 (E) 301110

Please recycle

II. Consideration of draft resolution A/C.6/65/L.20

6. At the 28th meeting, on 11 November, the representative of New Zealand, on behalf of the Bureau, introduced a draft resolution entitled "Report of the International Law Commission on the work of its sixty-second session" (A/C.6/65/L.20).

7. At the same meeting, the Committee adopted draft resolution A/C.6/65/L.20 without a vote (see para. 8).

III. Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the International Law Commission on the work of its sixty-second session

The General Assembly,

Having considered the report of the International Law Commission on the work of its sixty-second session,[1]

Emphasizing the importance of furthering the progressive development and codification of international law as a means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[2]

Recognizing the desirability of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law Commission for closer examination, and of enabling the Sixth Committee and the Commission to enhance further their contribution to the progressive development and codification of international law,

Recalling the need to keep under review those topics of international law which, given their new or renewed interest for the international community, may be suitable for the progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,

Reaffirming the importance for the successful work of the International Law Commission of the information provided by Member States concerning their views and practice,

Recognizing the importance of the work of the special rapporteurs of the International Law Commission,

Recalling the role of Member States in submitting proposals for the consideration of the International Law Commission,

Welcoming the holding of the International Law Seminar, and noting with appreciation the voluntary contributions made to the United Nations Trust Fund for the International Law Seminar,

Acknowledging the importance of facilitating the timely publication of the *Yearbook of the International Law Commission* and of eliminating the backlog,

Stressing the usefulness of focusing and structuring the debate on the report of the International Law Commission in the Sixth Committee in such a manner that conditions are provided for concentrated attention to each of the main topics dealt with in the report and for discussions on specific topics,

---

[1] *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 10* (A/65/10).

[2] Resolution 2625 (XXV), annex.

Wishing to enhance further, in the context of the revitalization of the debate on the report of the International Law Commission, the interaction between the Sixth Committee as a body of governmental representatives and the Commission as a body of independent legal experts, with a view to improving the dialogue between the two bodies,

Welcoming initiatives to hold interactive debates, panel discussions and question time in the Sixth Committee, as envisaged in resolution 58/316 of 1 July 2004 on further measures for the revitalization of the work of the General Assembly,

1. *Takes note* of the report of the International Law Commission on the work of its sixty-second session,[1] and recommends that the Commission continue its work on the topics in its current programme, taking into account the comments and observations of Governments, whether submitted in writing or expressed orally in debates in the Sixth Committee;

2. *Expresses its appreciation* to the International Law Commission for the work accomplished at its sixty-second session;

3. *Draws the attention* of Governments to the importance for the International Law Commission of having their views on the various aspects of the topics on the agenda of the Commission, in particular on all the specific issues identified in chapter III of its report, regarding:

(a) Reservations to treaties;

(b) Treaties over time;

4. *Invites* Governments to submit to the secretariat of the Commission, by 31 January 2011, any further observations on the entire set of draft guidelines constituting the Guide to Practice on Reservations to Treaties, provisionally adopted by the Commission at its sixty-second session,[3] with a view to finalizing the Guide at the sixty-third session;

5. *Draws once again the attention* of Governments to the importance for the International Law Commission of having their comments and observations by 1 January 2011 on the draft articles and commentaries on the topic "Responsibility of international organizations" adopted on first reading by the Commission at its sixty-first session;[4]

6. *Invites* the International Law Commission to give priority to its consideration of the topics "Immunity of State officials from foreign criminal jurisdiction" and "The obligation to extradite or prosecute (*aut dedere aut judicare*)";

7. *Takes note* of the report of the Secretary-General on assistance to special rapporteurs of the International Law Commission[5] and of paragraphs 396 to 398 of the report of the International Law Commission, and requests the Secretary-General to continue his efforts to identify concrete options for support for the work of special rapporteurs, additional to those provided under General Assembly resolution 56/272 of 27 March 2002;

---

[1] See *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 10* (A/65/10), chap. IV, sect. C.

[3] Ibid., *Sixty-fourth Session, Supplement No. 10* (A/64/10), chap. IV, sect. C.

[4] A/65/186.

8. *Invites* the International Law Commission to continue taking measures to enhance its efficiency and productivity and to consider making proposals to that end;

9. *Encourages* the International Law Commission to continue taking cost-saving measures at its future sessions, without prejudice to the efficiency and effectiveness of its work;

10. *Takes note* of paragraph 405 of the report of the International Law Commission, and decides that the next session of the Commission shall be held at the United Nations Office at Geneva from 26 April to 3 June and from 4 July to 12 August 2011;

11. *Welcomes* the enhanced dialogue between the International Law Commission and the Sixth Committee at the sixty-fifth session of the General Assembly, stresses the desirability of further enhancing the dialogue between the two bodies, and in this context encourages, inter alia, the continued practice of informal consultations in the form of discussions between the members of the Sixth Committee and the members of the Commission attending the sixty-sixth session of the Assembly;

12. *Encourages* delegations, during the debate on the report of the International Law Commission, to adhere as far as possible to the structured work programme agreed to by the Sixth Committee and to consider presenting concise and focused statements;

13. *Encourages* Member States to consider being represented at the level of legal adviser during the first week in which the report of the International Law Commission is discussed in the Sixth Committee (International Law Week) to enable high-level discussions on issues of international law;

14. *Requests* the International Law Commission to continue to pay special attention to indicating in its annual report, for each topic, any specific issues on which expressions of views by Governments, either in the Sixth Committee or in written form, would be of particular interest in providing effective guidance for the Commission in its further work;

15. *Takes note* of paragraphs 404 and 406 to 410 of the report of the International Law Commission with regard to cooperation and interaction with other bodies, and encourages the Commission to continue the implementation of article 16, paragraph (*e*), article 25 and article 26 of its statute in order to further strengthen cooperation between the Commission and other bodies concerned with international law, having in mind the usefulness of such cooperation;

16. *Notes* that consulting with national organizations and individual experts concerned with international law may assist Governments in considering whether to make comments and observations on drafts submitted by the International Law Commission and in formulating their comments and observations;

17. *Reaffirms* its previous decisions concerning the indispensable role of the Codification Division of the Office of Legal Affairs of the Secretariat in providing assistance to the International Law Commission, including in the preparation of memorandums and studies on topics on the agenda of the Commission;

18. *Approves* the conclusions reached by the International Law Commission in paragraph 399 of its report, and reaffirms its previous decisions concerning the documentation and summary records of the Commission;[6]

19. *Takes note* of paragraph 400 of the report of the International Law Commission, and stresses the need to expedite the preparation of the summary records of the Commission;

20. *Also takes note* of paragraph 401 of the report of the International Law Commission, expresses its appreciation to Governments that have made voluntary contributions to the trust fund on the backlog relating to the *Yearbook of the International Law Commission*, and encourages further contributions to the fund;

21. *Welcomes* the continuous efforts of the Codification Division to maintain and improve the website relating to the work of the International Law Commission;[7]

22. *Expresses the hope* that the International Law Seminar will continue to be held in connection with the sessions of the International Law Commission and that an increasing number of participants, in particular from developing countries, will be given the opportunity to attend the Seminar, and appeals to States to continue to make urgently needed voluntary contributions to the United Nations Trust Fund for the International Law Seminar;

23. *Requests* the Secretary-General to provide the International Law Seminar with adequate services, including interpretation, as required, and encourages him to continue considering ways to improve the structure and content of the Seminar;

24. *Also requests* the Secretary-General to forward to the International Law Commission, for its attention, the records of the debate on the report of the Commission at the sixty-fifth session of the General Assembly, together with such written statements as delegations may circulate in conjunction with their oral statements, and to prepare and distribute a topical summary of the debate, following established practice;

25. *Requests* the Secretariat to circulate to States, as soon as possible after the conclusion of the session of the International Law Commission, chapter II of its report containing a summary of the work of that session, chapter III containing the specific issues on which the views of Governments would be of particular interest to the Commission and the draft articles adopted on either first or second reading by the Commission;

26. *Encourages* the International Law Commission to continue considering ways in which specific issues on which the views of Governments would be of particular interest to the Commission could be framed so as to help Governments to have a better appreciation of the issues on which responses are required;

27. *Recommends* that the debate on the report of the International Law Commission at the sixty-sixth session of the General Assembly commence on 24 October 2011.

---

[6] See resolutions 32/151, para. 10, and 37/111, para. 5, and all subsequent resolutions on the annual reports of the International Law Commission to the General Assembly.

[7] www.un.org/law/ilc.